

REMARKS

As indicated in the enclosed Request for Approval of Drawing Changes¹, the extra period after certain drawing legends has been deleted, reference (2) in FIG. 2 has been replaced by reference (11), reference (2) in FIG. 5a has been replaced by reference (12), and reference (3) in FIG. 5a has been replaced by reference (13). Thus, one reference designates one element and each of the concerns raised by the Examiner has been addressed.

In the specification, the informalities at point 7 of the office action have been corrected. Additionally, the reference characters added in the amended drawings (11), (12) and (13) have been introduced in the specification where appropriate, and reference character (6) has been deleted where appropriate, so that each reference character designates one element of the drawings and all the reference characters mentioned in the description are included in the drawings.

In the abstract, the informalities at point 8 of the office action have been corrected.

In the claims, the informalities at point 9 of the office action have been corrected. Additional amendments have also been carried out (see below, §112).

Response to claim rejections – 35 USC §112:

The wording "or analogous means" has been deleted from claims 26 and 28.

Claim 32 has been amended to read that "the outside edge of the base is rounded", as mentioned in the specification (page 6).

Claim 38 has been amended to a density between approximately 50 bristles/cm² and approximately 200 bristles/cm², as mentioned in the specification (page 5).

¹ Although current drawing amendment practice under 37 CFR 1.121 specifies a different format, applicants have submitted herewith a separate letter to the official draftsman along with a marked up version of the drawings showing the changes in red ink in order to be in compliance with the express instructions of the Examiner.

Claim 31 has been amended, and new claims 46 and 47 have been introduced. The support for the amendment of claim 31 can be found in the description, page 6 lines 24-27, where it is stated that each of the different elements of the device is provided with at least one orifice allowing the product to pass from the reservoir to the application head.

Claim 45 has been amended to read "a valve".

All the objections raised by the examiner have been addressed, and the claims thus no longer contravene 35 USC §112.

Response to claim rejections – 35 USC §103

The instant disclosure relates to a device for applying a shaving product. More specifically, the disclosure provides a device which appearance when wet is good while at the same time maintaining an efficient foaming effect. The foaming effect is important since the device is used to apply a shaving product.

The examiner cites several references in the rejections based on 35 USC §103. The examiner combines Baumann et al. and Gueret (point 21), as well as Baumann et al., Gueret and a further reference (points 22-25).

We will show hereafter that there is no motivation or suggestion, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings.

Baumann et al. describe a device for storing and applying a mass which may be a shaving cream, said device being provided with an application head which can be a brush. The problem to be solved is to have a good distribution of the product, and a simple device. As pointed out by the Examiner, Baumann et al. fail to specify the length of the bristles. They also fail to mention the issues of the shape of the bristles when wet or the efficacy of the foaming effect when the product to be distributed is a shaving cream.

Gueret teaches an applicator for applying a liquid makeup product, such as nail polish. The aim in this reference is to apply the product rapidly, while at the same time

conveying much more product than a conventional brush. And the solution is an applicator having an application member with a defined flexibility, fixed to one end of a stem having a similar flexibility (Col. 1 lines 6 & 45-46 and Col. 2 lines 12-16).

Gueret thus relates to a device (application member with a defined flexibility, fixed to one end of a stem having a similar flexibility) completely different from Baumann et al. and from the instant disclosure, in a field (applying makeup) completely different from that of Baumann et al. and the instant invention, having properties (rapid application, application of a larger amount of product) completely different from those sought for in Baumann et al. and the instant disclosure, and which solves a problem the nature of which (more rapid and important application of more product) is completely different from that of Baumann et al.

There is thus no suggestion or motivation in said references to combine them to obtain the instant claimed subject matter.

None of the other cited references describes a device for applying a shaving product having bristles with a length less than 20 mm, and exhibiting a good foaming effect and a good shape when wet.

Goncalves teaches a container for the controlled release of product (preferably a detergent, Col. 1 line 41); Barber Jr. teaches an abrasive brush with suitable durability and abrading characteristics; Donsky teaches a nail polish applicator; Webster teaches a dispensing package for isolating one or more ingredients prior to dispensing.

As none of the references anticipates the instant claims, and there is no suggestion or motivation in either of the cited references to combine them to obtain the instant claims, it is thus submitted that the instant claims are in fact unobvious over the cited prior art.

The instant claims thus do not contravene 35 USC §103.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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